UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

Brian Platt, Civ. No. 20-2159 (PAM/DTS)

Petitioner,

v.

ORDER

Tony Petrie,

Respondent.

This matter is before the Court on the Report and Recommendation ("R&R") of United States Magistrate Judge David T. Schultz dated December 10, 2020. The R&R recommends dismissal of this matter without prejudice because Plaintiff fails to state a claim for relief.

According to statute, the Court must conduct a de novo review of any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); D. Minn. L.R. 72.2(b). Platt filed a letter (Docket No. 8), which the Court construes as an objection to the R&R. However, the letter fails to state any specific objection to the R&R. Although Platt disagrees with the R&R, he presents no reason as to why the R&R's determination that his claims are barred by Heck v. Humphrey, 512 U.S. 477 (1994), was clearly erroneous, and thus his objections fail. Moreover, the R&R explained the deficiencies in Platt's pleading, and he has failed to cure the deficiencies to state a valid claim. After conducting the required reviews, the Court **ADOPTS** the R&R. (Docket No. 5.)

Accordingly, IT IS HEREBY ORDERED that:

- 1. The Complaint (Docket No. 1) is **DISMISSED without prejudice**; and
- 2. Petitioner's Application to proceed in forma pauperis (Docket No. 2) is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 2, 2021

s/Paul A. Magnuson

Paul A. Magnuson United States District Court Judge